

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1394 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 9-30-5-3, AS AMENDED BY P.L.291-2001,
4 SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2004]: Sec. 3. A person who violates section 1 or 2 of this
6 chapter commits a Class D felony if:

7 (1) the person has a previous conviction of operating while
8 intoxicated ~~and~~

9 ~~(2) the previous conviction of operating while intoxicated that~~
10 occurred within the five (5) years immediately preceding the
11 occurrence of the violation of section 1 or 2 of this chapter; **or**

12 **(2) the person:**

13 **(A) is at least twenty-one (21) years of age;**

14 **(B) violates section 1(b) or 2(b) of this chapter; and**

15 **(C) operated a vehicle in which at least one (1)**
16 **passenger was less than eighteen (18) years of age."**

17 Page 2, between lines 15 and 16, begin a new paragraph and
18 insert:

19 "SECTION 2. IC 9-30-10-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If it appears from
21 the records maintained in the bureau that a person's driving record
22 makes the person a habitual violator under section 4 of this chapter, the
23 bureau shall mail a notice to the person's last known address that
24 informs the person that the person's driving privileges will be suspended
25 in thirty (30) days because the person is a habitual violator according
26 to the records of the bureau.

27 (b) Thirty (30) days after the bureau has mailed a notice under this
28 section, the bureau shall suspend the person's driving privileges for:

29 **(1) except as provided in subdivision (2), ten (10) years if the**
30 **person is a habitual violator under section 4(a) of this chapter;**

31 **(2) life if the person is a habitual violator under section 4(a)**

1 **of this chapter and has at least two (2) violations under**
2 **section 4(a)(4) through 4(a)(7) of this chapter;**
3 **(3)** ten (10) years if the person is a habitual violator under section
4 4(b) of this chapter; or
5 ~~(3)~~ **(4)** five (5) years if the person is a habitual violator under
6 section 4(c) of this chapter.
7 (c) The notice must inform the person that the person may be
8 entitled to relief under section 6 of this chapter or may seek judicial
9 review of the person's suspension under this chapter."
10 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1394 as printed February 18, 2004.)

Senator YOUNG R MICHAEL